

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT CRAIG CASSIDY,

Plaintiff,

-against-

WORKERS COMPENSATION BOARD, LETITIA
JAMES, BRIAN W. MATULA, JOSEPH SLATER,
KELSEY LYNN RAGA, FREIDA FOSTER, ELLEN
O PAPROCKI, LINDA HULL, FREDERICK M.
AUSILL, LORAN LOBBAN, STEVEN A. CRAIN,
MARK R. STASKO, SAMUAL G. WILLIAMS,
MARK HIGGINS, DARLENE DORSETT, NEW
YORK STATE INSURANCE FUND,

Defendants.

**NOTICE OF MOTION
TO DISMISS**

21-CV-0521

GTS/CFH

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declaration of John F. Moore, AAG, Plaintiff's Complaint (Dkt. 1), and upon all prior pleadings and proceedings herein, Defendants New York State Workers' Compensation Board ("WCB"), WCB Attorney Joseph Slater, Esq., the New York State Insurance Fund ("NYSIF"), NYSIF employee Kelsey Lynn Raga, and nine WCB Board members: Freida Foster, Ellen O. Paprocki, Linda Hull, Frederick M. Ausili, Loran Lobban, Steven A. Crain, Mark R. Stasko, Samuel G. Williams, and Mark Higgins (the "WCB Members"), on a date and time to be determined by the Court, on submission of the papers, will make a motion before Hon. Glenn T. Suddaby, at the United States District Court, Northern District of New York, Syracuse, New York, FRCP 12(b)(5) and 12(h) for lack of jurisdiction, and 12(b)(6) for failure to state a claim, for an order dismissing Plaintiff's Complaint (Dkt. 1) for failure to state a cause of action as detailed in the accompanying Memorandum of Law, together with such other or further relief as may be just.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7.1 of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with the Court and served upon counsel for Defendants no later than twenty-one (21) days after service of the motion, unless otherwise directed by the Court.

Dated: Albany, New York
September 30, 2021

LETITIA JAMES
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Williams, Hull, Ausili, Stasko, Foster,
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By: *s/John F. Moore*
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